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 Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF ALASKA

CITICAPITAL COMMERCIAL CORP,)	
)	
Plaintiff,)	
)	
v.)	
)	
EGEGIK SPIRIT, official number)	
299957, her equipment, gear, furniture,)	
apparel, fixtures, tackle, boats, machinery)	
anchors and all appurtenances, <i>in rem, et al.</i> ,)	
)	IN ADMIRALTY
Defendants.)	No. A-04-0147 CV (RRB)
)	

**MEMORANDUM SUPPORTING MOTION TO RECONSIDER ORDER DENYING
 PLAINTIFF'S MOTION FOR LEAVE TO AMEND AMENDED COMPLAINT**

By order of December 6, 2005, the court denied Plaintiff's motion for an order allowing Plaintiff to amend its complaint to add an \$ 8,489.19 claim for unpaid loan closing costs. *See* Docket nos. 153 & 171. The reason for the denial was procedural only, the motion simply being too far out of compliance with the pre-trial schedule in this case, without good cause. Docket 171 at 2-3.

At the recent hearing in this matter on the court's proposed recommendation for disposition of Plaintiff's summary judgment motions, the court decided to allow Defendants to amend their counter-claim to state a new claim against Plaintiff. Since this amendment would be much further out of compliance with the pre-trial schedule, without any justification having been offered for failing to previously state a counter-claim that allegedly arose within 15 days or so of the arrest of the vessels in this action, it appeared to Plaintiff's counsel that fairness warranted leave to amend its complaint as previously requested. When counsel raised the point, the court suggested the request be made by motion to reconsider the denial of the previous motion.

As the court noted in its December 6th order, little discovery will be required to address this minor claim. Certainly, addressing this minor claim will involve much less work than will addressing a new counter-claim. Accordingly, the court is respectfully requested to reconsider the earlier denial and grant leave to amend.

DATED this 17th day of April, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that, on 4/17/06 to, a copy
of this Memorandum was served electronically
on Woodbine Alaska Fish Co. and on Guy Ferrari, Inc.

And by mail on

Barbara A. Norris
Law Office of Barbara A. Norris
645 West 3rd Avenue
Anchorage, AK 99501-2124

s/Mark C. Manning